

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:09-cv-01330-EGS

BRISTOL-MYERS SQUIBB COMPANY et al v.

DOLL

Assigned to: Judge Emmet G. Sullivan

Member case: [\(View Member Case\)](#)

Cause: 35:145 Patent Infringement

Date Filed: 07/17/2009

Jury Demand: None

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
06/23/2010		MINUTE ORDER. Upon consideration of the parties' proposals for further proceedings and responses to the Court's June 7, 2010 Order to Show Cause, it is hereby ORDERED that: 1) counts I-IV, VII-X, XII, XIV-XVI, and XXI of plaintiffs' amended complaint in Case. No. 09-cv-1330 and counts I-III and V of plaintiffs' complaint in Case No. 09-cv-2420 are REMANDED to the United States Patent and Trademark Office ("PTO") for recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in Wyeth & Elan Pharma International Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010); and 2) counts I-IV, VII-X, XII, XIV-XVI, and XXI of plaintiffs' amended complaint in Case. No. 09-cv-1330 and counts I-III and V of plaintiffs' complaint in Case No. 09-cv-2420 are DISMISSED without prejudice, subject to a motion for reconsideration. In the event that the PTO does not recalculate each of the relevant patent term adjustments in the manner requested in plaintiffs' complaints, plaintiffs may file a motion for reconsideration of the Order dismissing those counts and need not file a new action in order to pursue further relief. Signed by Judge Emmet G. Sullivan on June 23, 2010. (lcegs2) (Entered: 06/23/2010)